

Serial No.: 09/594,374

6

PD-200092

REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated May 21, 2004, claims 1-2, 5-19 are pending in the application.

Applicants respectfully request the Examiner for reconsideration. Claims 1, 2, 5-13 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 5-13 and 14-19 over U.S. Patent 6,725,013. Applicants have submitted a Terminal Disclaimer for these claims and believe that these claims are now in condition for allowance.

Claims 6 and 8 stand rejected under 35 USC § 102(b) as being anticipated by *Tuck* (5,584,047). Claim 6 is directed to a communication system that has a first stratospheric platform having a primary payload and a secondary payload. The secondary payload generates the communication signals at the first frequency which is also used in the geosynchronous satellite. The Examiner points to the uplink 68 and downlink 26 in Figure 10B for a primary and secondary payload. Applicants, however, respectfully submit that the uplink 68 and downlink 26 are part of the same payload and not a secondary payload. The primary payload and secondary payload are described on page 7, lines 6-10 of the present application. By providing the communications signal from a secondary payload, the system expense particularly for a new system, may be reduced.

In response to the above arguments, on Page 2 of the Office Action, the Examiner states, "In its broadest sense, the primary and secondary payload reads on the uplink and downlink described in *Tuck*, in that the links carry different information (i.e., processed information from the user terminal to the platform (uplink) and processed information from the platform to the user (downlink). Therefore, as presently claimed, *Tuck* reads on the limitations of claim 6." A payload of a satellite may form what is called a bent pipe repeater. The bent pipe repeater in its simplest sense receives uplink signals and transmits signals to various points on the earth through corresponding downlink signals

Serial No.: 09/594,374

7

PD-200092

having the same content. Changes in frequencies/timing/phase/direction may take place but the content remains the same. Applicants respectfully submit that this is what is shown in the *Tuck* reference. The *Tuck* reference shows one payload that is processing uplink signals that are ultimately downlinked. This, as shown in Figure 10B, is a continuous process which receives the uplink signals through the uplink antenna 24U then low pass filters a signal 24, provides low noise amplifier 76 and a mixer 78 which is coupled to a local oscillator 82 to process the signal. The signal is then band-pass filtered, amplified through power amplifier 84 and sent through a downlink antenna 24D to an antenna 32. No teaching or suggestion is provided for a secondary payload within the *Tuck* reference. Applicants find the Examiner's reasoning inconsistent with satellite technology. Applicants believe that Figure 10B shows one payload which receives signals then transmits signals. As mentioned above, communication satellites receive signals from an uplink and retransmit these signals to a downlink. It does not make sense to break this up into primary and secondary since, if only the uplink were provided, the satellite would have no purpose since a downlink would not be provided. The secondary payload is described in the present claim as additional to the primary payload. The primary payload if in a communication setting would also provide both uplink signals and downlink signals. The Examiner's interpretation of primary and secondary is thus inconsistent with the current satellite technology. Therefore, Applicants respectfully requests the Examiner to reconsider the rejection of claim. Claim 8 has been cancelled above.

Claim 7 stands rejected under 35 USC § 103(a) as being unpatentable over *Tuck*. Claim 7 cites a second stratospheric platform generating a third beam having the first frequency. As mentioned above, claim 6 has several deficiencies defined above. Claim 7 further limits claim 6 and is therefore believed to be allowable for the same reason set forth above.

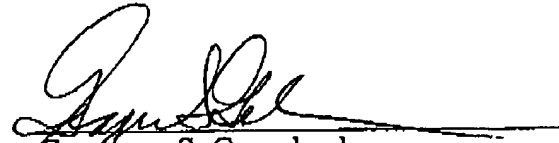
Serial No.: 09/594,374

8

PD-200092

In view of the preceding remarks and changes, it is respectfully submitted that all of the claims presently pending in this application are allowable. Therefore, entry and consideration of this response, reconsideration of the rejections, and allowance are respectfully requested. If the Examiner feels that a telephone interview will advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney at the below-listed number.

Respectfully submitted,



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